

OGC HAS REVIEWED.

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STATINTL

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1006 Ames

MEMORANDUM FOR THE RECORD

FROM : Legislation Division, Office of Legislative Counsel

SUBJECT: Classification and Compensation Act of 1979

1. Date, Time and Place of Meeting:

2 May 1979
0930-1030 hours
Room 395, Old E

2. Participants:

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[REDACTED], Assistant Legislative Counsel, CIA
[REDACTED] Assistant Legislative Counsel, CIA
Robert Kimmitt, Counsel, National Security Council

3. The undersigned met with Mr. Kimmitt for the purpose of discussing our remaining objections to Section 5001(b) of Administration's Classification and Compensation Act of 1979. After presenting to him all of our arguments (subject of several previous memoranda) Mr. Kimmitt stated that he agreed completely that there was no need, indeed, no logical basis for inclusion of the Central Intelligence Agency within the purview of subject legislation.

4. In order to assist us in our continuing efforts to extract ourselves from the problem provision, Mr. Kimmitt and the undersigned agreed to the following course of action:

--NSC will request of OMB that the bill be sent to NSC for their review. This will put, in effect, a procedural stop on the bill in order to give us time to better marshall support for the CIA position.

--NSC will then review the bill and, unless Mr. Kimmitt changes his views, report to OMB that they disagree with CIA inclusion therein.

--This Office will contact NSA, FBI, State and DIA and alert them to the troublesome provision. The thought here is that they may, if they have not already done so, raise the issue with OMB vis-a-vis themselves. This could work for us in either one of two ways. On the one hand the strength of numbers tends to be persuasive with OMB. Secondly should OMB discount third agency complaints they might be forced to do so by way of citing the CIA Act as the only statute which would serve to exempt an Agency.

--This Office has asked the OGC to prepare for NSC use, a short memorandum of law outlining the history (since the CIA Act) of CIA exemption from personnel oriented laws.

5. In addition to the foregoing, Mr. Kimmitt stated that he would attempt to determine who or what was pushing OMB towards its apparently intransigent stage vis-a-vis CIA exemption.

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OLC:MDC: (3 May 1979)

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